

### **AMENDMENTS TO DRAWINGS**

The attached sheet of drawings includes changes to Fig. 9. This sheet, which includes Fig. 9, replaces the original Fig.9. In new Fig. 9, explanatory terms have been added and numerical identifiers have been corrected.

Attachment:                      Replacement Sheets  
   Annotated sheets showing changes- Fig. 9

## REMARKS AND ARGUMENTS

### **Status of Application, Amendments and/or Claims**

Claims 1-3, 5 and 6 have been cancelled.  
Claims 4 and 7-10 are withdrawn.  
Claims 11-22 are new.

The Applicant hereby cancel claims 1-3, 5 and 6 without prejudice to the Applicant's right to file divisional applications.

New claims 11-22 relate to kits and compositions comprising a flowable collagen matrix and specific therapeutically active agents.

### **Suggestions**

The Examiner has suggested the use of the term "sprouting", the Applicant has now used this term in new claims 11-22.

### **Informalities**

The Examiner has objected to Fig. 9. The Applicant has amended Fig.9 to specify each of the individual elements of this schematic directly in Fig.9. More particularly, in Fig.9, numerical identifier 4 was given to the additional container means illustrated in dotted outline. The term "additional container means" was also inserted in this pictogram. The term "container means for first matrix forming element" was inserted in pictogram carrying numerical identifier 2. The term "container means for second matrix forming element" was inserted in pictogram carrying numerical identifier 1. The term "mixing container" was inserted in pictogram carrying numerical identifier 6. Finally, the term "container means for therapeutically active agent" was inserted in pictogram carrying numerical identifier 3. Support for each of these expressions may therefore be found at page 45, line 16 to page 46, line 2 and in new claim 11 (see support for new claim 11 below).

The Applicant also hereby takes the opportunity of making editorial modification to page 45 which relates to the description of Fig.9. More particularly at lines 17 the "container means for a therapeutically active agent" has now been given numerical identifier 3. Support for this modification may be found, for example, in the expression "feed line 8 is indicative of the addition of C3 (i.e. therapeutically active agent) to container..." at page 45, lines 23 and 24 and from old Fig.9 where feed line 8 is clearly linked to

container means 3. In addition, at line 24, the Applicant has modified the expression "addition of C3 to the container 8" for the expression "addition of C3 to the container 6".

Support for this modification may be found, for example, at page 45, line 22 and in old Fig. 9 where feed line 8 is clearly linked to container means 6. Finally, the Applicant has inserted numerical identifier 4 to the expression "additional container means" found at line 21.

### **Claim rejections**

#### **Rejection of claims under 35 U.S.C. § 112(2) indefiniteness**

The Examiner has objected to the term "container means" in original claims 1-3, 5 and 6. The Applicant would like to point out that the term "container" is now used in new claims 11-22.

#### **Non-Statutory Double-Patenting**

The Examiner has rejected original claims 1, 2, 5 and 6 under the doctrine of obviousness-type double patenting over claims 1-9 of US Patent. No. 7,141,428.

The Applicant respectfully submits that new claims of the instant application differ from those of the US Patent. No. 7,141,428 as they now recite the use of a flowable collagen matrix.

The Applicant respectfully request withdrawal of the Examiner's rejection base on obviousness-type double patenting.

#### **Rejection of claims under 35 U.S.C. § 112(1) enablement/written description**

The Examiner has rejected original claims 1-3, 5 and 6 because, to the Examiner's opinion, the specification while enabling for an axon-elongation stimulation kit comprising C3 combined in a collagen matrix with protease inhibitors is not enabled for an axon-growth stimulation kit comprising two or more containers.

The Examiner has also rejected original claims 1-3, 5 and 6 because, to the Examiner's opinion, although the specification teaches the use of C3 and collagen as well as a protease inhibitor in the axon growth stimulation kit, the specification does not teach functional or structural characteristics of other compounds that may be used in the kit.

The Applicant respectfully submits that new claims 11-22 now relates to a specific “flowable carrier component” namely; a flowable collagen matrix and to specific “therapeutically active agent” namely; C3 or Y-27632.

More particularly, new independent claim 11 relates to a kit where the flowable collagen matrix and the therapeutically active agent are provided in two separate containers. Support for this new claim may be found in original claims 1, 2 and 3 and at page 14, lines 21-29 of the description and in Example 4 (pages 35-36).

Furthermore, new independent claim 16 relates to a kit where both the flowable collagen matrix and the therapeutically active agent are provided as a single mixture. Support for this new claim may be found in original claims 1, 2 and 3 and in Example 4 of the description (pages 35-36).

Support for new independent claim 21 may be found in original claims 5 and 6 as well as in Example 4 of the description (pages 35-36).

Support for new claims 12, 15, 17 and 22 may be found, for example, from page 22, line 24 to page 23, line 5.

#### **Rejection under 35 U.S.C. § 102-Prior art**


The Examiner has rejected original claims 1 and 2 as being anticipated by Redl et al. (US Pat. No. 4,631,055) which teach a two compartments kit as these claims used the terms “for containing...” and “for facilitating...” which are considered intended-use phrases. The Applicant respectfully submits that new independent claims 11 and 16 now refer to containers “comprising” the recited components. As such the Applicant respectfully submits that Redl et al., does not teach a kit comprising a flowable collagen matrix and specific therapeutically active agents as claimed in new claims 11 and 16 and claims dependent therefrom.

In view of the foregoing, the Applicant respectfully requests withdrawal of the Examiner’s objections.

Timely allowance of the present patent application is respectfully requested.

Yours very truly,

**UNIVERSITE DE MONTREAL**

By: 

Ronald S. Kosie, Reg. No 28,814  
1100 René-Lévesque Blvd. West, 22<sup>nd</sup> Floor  
Montréal, Québec,  
Canada H3B 5C9  
Telephone: (514) 397-6942  
Fax: (514) 397-8515  
(13545-006)

